

**Representative Adam Robertson** proposes the following substitute bill:

**INITIATIVE AND REFERENDUM AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Adam Robertson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to local initiatives and referenda.

**Highlighted Provisions:**

This bill:

- ▶ reduces the signature thresholds to qualify a local initiative or referendum for the ballot; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-7-501**, as last amended by Laws of Utah 2019, Chapter 203

**20A-7-601**, as last amended by Laws of Utah 2021, Chapter 140

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-7-501** is amended to read:



**20A-7-501. Initiatives -- Signature requirements -- Time requirements.**

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Voter participation area" means an area described in Subsection [20A-7-401.3\(1\)\(a\)](#) or (2)(b).

(2) An eligible voter seeking to have an initiative submitted to a local legislative body or to a vote of the people for approval or rejection shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) ~~[7.75%]~~ 6.25% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 7.75%]~~ 6.25% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) ~~[7.5%]~~ 6% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 7.5%]~~ 6% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) ~~[8%]~~ 6.5% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 8%]~~ 6.5% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) ~~[8.25%]~~ 6.75% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 8.25%]~~ 6.75% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) ~~[9.5%]~~ 7.75% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 9.5%]~~ 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a

city of the third class:

(i) ~~[10%]~~ 8% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 10%]~~ 8% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(g) for a county of the fourth class:

(i) ~~[11.5%]~~ 9.25% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 11.5%]~~ 9.25% of the number of active voters in at least 75% of the county's voter participation areas;

(h) for a metro township with a population of 10,000 or more but less than 30,000, or a city of the fourth class:

(i) ~~[11.5%]~~ 9.25% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 11.5%]~~ 9.25% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(i) for a metro township with a population of 1,000 or more but less than 10,000, a city of the fifth class, or a county of the fifth class, ~~[25%]~~ 20% of the number of active voters in the metro township, city, or county; or

(j) for a metro township with a population of less than 1,000, a town, or a county of the sixth class, ~~[35%]~~ 28% of the number of active voters in the metro township, town, or county.

(3) If the total number of certified names from each verified signature sheet equals or exceeds the number of names required by this section, the clerk or recorder shall deliver the proposed law to the local legislative body at the local legislative body's next meeting.

(4) (a) The local legislative body shall either adopt or reject the proposed law without change or amendment within 30 days after the day on which the local legislative body receives the proposed law under Subsection (3).

(b) The local legislative body may:

(i) adopt the proposed law and refer the proposed law to the people;

(ii) adopt the proposed law without referring the proposed law to the people; or

(iii) reject the proposed law.

(c) If the local legislative body adopts the proposed law but does not refer the proposed law to the people, the proposed law is subject to referendum as with other local laws.

(d) (i) If a county legislative body rejects a proposed law, or takes no action on a

proposed law, the county clerk shall submit the proposed law to the voters of the county at the next regular general election immediately after the petition for the proposed law is filed under Section 20A-7-502.

(ii) If a local legislative body of a municipality rejects a proposed law, or takes no action on a proposed law, the municipal recorder or clerk shall submit the proposed law to the voters of the municipality at the next municipal general election immediately after the petition is filed under Section 20A-7-502.

(e) (i) If a local legislative body rejects a proposed law, or takes no action on a proposed law, the local legislative body may adopt a competing local law.

(ii) The local legislative body shall prepare and adopt the competing local law within the 30-day period described in Subsection (4)(a).

(iii) If a local legislative body adopts a competing local law, the clerk or recorder shall refer the competing local law to the voters of the county or municipality at the same election at which the initiative proposal is submitted under Subsection (4)(d).

(f) If conflicting local laws are submitted to the people at the same election and two or more of the conflicting measures are approved by the people, the measure that receives the greatest number of affirmative votes shall control all conflicts.

Section 2. Section 20A-7-601 is amended to read:

**20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws and subjurisdictional laws -- Time requirements.**

(1) As used in this section:

(a) "Number of active voters" means the number of active voters in the county, city, or town on the immediately preceding January 1.

(b) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(c) (i) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, town, or metro township.

(ii) "Subjurisdictional law" does not include a land use law.

(d) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)

or (2)(b).

(2) Except as provided in Subsection (3) or (4), an eligible voter seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) for a county of the first class:

(i) ~~[7.75%]~~ 6.25% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 7.75%]~~ 6.25% of the number of active voters in at least 75% of the county's voter participation areas;

(b) for a metro township with a population of 100,000 or more, or a city of the first class:

(i) ~~[7.5%]~~ 6% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 7.5%]~~ 6% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(c) for a county of the second class:

(i) ~~[8%]~~ 6.5% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 8%]~~ 6.5% of the number of active voters in at least 75% of the county's voter participation areas;

(d) for a metro township with a population of 65,000 or more but less than 100,000, or a city of the second class:

(i) ~~[8.25%]~~ 6.75% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 8.25%]~~ 6.75% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

(e) for a county of the third class:

(i) ~~[9.5%]~~ 7.75% of the number of active voters in the county; and

(ii) ~~[beginning on January 1, 2020, 9.5%]~~ 7.75% of the number of active voters in at least 75% of the county's voter participation areas;

(f) for a metro township with a population of 30,000 or more but less than 65,000, or a city of the third class:

(i) ~~[10%]~~ 8% of the number of active voters in the metro township or city; and

(ii) ~~[beginning on January 1, 2020, 10%]~~ 8% of the number of active voters in at least 75% of the metro township's or city's voter participation areas;

150 (g) for a county of the fourth class:  
151 (i) ~~[11.5%]~~ 9.25% of the number of active voters in the county; and  
152 (ii) ~~[beginning on January 1, 2020, 11.5%]~~ 9.25% of the number of active voters in at  
153 least 75% of the county's voter participation areas;  
154 (h) for a metro township with a population of 10,000 or more but less than 30,000, or a  
155 city of the fourth class:  
156 (i) ~~[11.5%]~~ 9.25% of the number of active voters in the metro township or city; and  
157 (ii) ~~[beginning on January 1, 2020, 11.5%]~~ 9.25% of the number of active voters in at  
158 least 75% of the metro township's or city's voter participation areas;  
159 (i) for a metro township with a population of 1,000 or more but less than 10,000, a city  
160 of the fifth class, or a county of the fifth class, ~~[25%]~~ 20% of the number of active voters in the  
161 metro township, city, or county; or  
162 (j) for a metro township with a population of less than 1,000, a town, or a county of the  
163 sixth class, ~~[35%]~~ 28% of the number of active voters in the metro township, town, or county.  
164 (3) Except as provided in Subsection (4), an eligible voter seeking to have a land use  
165 law or local obligation law passed by the local legislative body submitted to a vote of the  
166 people shall obtain legal signatures equal to:  
167 (a) for a county ~~[of the first, second, third, or fourth class]:~~  
168 (i) ~~[16%]~~ 13% of the number of active voters in the county; and  
169 (ii) ~~[beginning on January 1, 2020, 16%]~~ 13% of the number of active voters in at least  
170 75% of the county's voter participation areas;  
171 ~~[(b) for a county of the fifth or sixth class:]~~  
172 ~~[(i) 16% of the number of active voters in the county; and]~~  
173 ~~[(ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%~~  
174 ~~of the county's voter participation areas;]~~  
175 ~~[(c)]~~ (b) for a metro township with a population of 100,000 or more, or a city of the  
176 first class:  
177 (i) ~~[15%]~~ 12% of the number of active voters in the metro township or city; and  
178 (ii) ~~[beginning on January 1, 2020, 15%]~~ 12% of the number of active voters in at least  
179 75% of the metro township's or city's voter participation areas;  
180 ~~[(d)]~~ (c) for a metro township with a population of 65,000 or more but less than

181 100,000, or a city of the second class:

182 (i) ~~[16%]~~ 12.75% of the number of active voters in the metro township or city; and

183 (ii) ~~[beginning on January 1, 2020, 16%]~~ 12.75% of the number of active voters in at  
184 least 75% of the metro township's or city's voter participation areas;

185 ~~[(e)]~~ (d) for a metro township with a population of 30,000 or more but less than  
186 65,000, or a city of the third class:

187 (i) ~~[27.5%]~~ 22% of the number of active voters in the metro township or city; and

188 (ii) ~~[beginning on January 1, 2020, 27.5%]~~ 22% of the number of active voters in at  
189 least 75% of the metro township's or city's voter participation areas;

190 ~~[(f)]~~ (e) for a metro township with a population of 10,000 or more but less than 30,000,  
191 or a city of the fourth class:

192 (i) ~~[29%]~~ 23.25% of the number of active voters in the metro township or city; and

193 (ii) ~~[beginning on January 1, 2020, 29%]~~ 23.25% of the number of active voters in at  
194 least 75% of the metro township's or city's voter participation areas;

195 ~~[(g)]~~ (f) for a metro township with a population of 1,000 or more but less than 10,000,  
196 or a city of the fifth class, ~~[35%]~~ 28% of the number of active voters in the metro township or  
197 city; or

198 ~~[(h)]~~ (g) for a metro township with a population of less than 1,000 or a town, ~~[40%]~~  
199 32% of the number of active voters in the metro township or town.

200 (4) A person seeking to have a subjurisdictional law passed by the local legislative  
201 body submitted to a vote of the people shall obtain legal signatures of the residents in the  
202 subjurisdiction equal to:

203 (a) ~~[10%]~~ 8% of the number of active voters in the subjurisdiction if the number of  
204 active voters exceeds 25,000;

205 (b) ~~[12-1/2%]~~ 10% of the number of active voters in the subjurisdiction if the number  
206 of active voters does not exceed 25,000 but is more than 10,000;

207 (c) ~~[15%]~~ 12% of the number of active voters in the subjurisdiction if the number of  
208 active voters does not exceed 10,000 but is more than 2,500;

209 (d) ~~[20%]~~ 16% of the number of active voters in the subjurisdiction if the number of  
210 active voters does not exceed 2,500 but is more than 500;

211 (e) ~~[25%]~~ 20% of the number of active voters in the subjurisdiction if the number of

212 active voters does not exceed 500 but is more than 250; and

213 (f) [~~30%~~ 24% of the number of active voters in the subjurisdiction if the number of  
214 active voters does not exceed 250.

215 (5) Sponsors of any referendum petition challenging, under Subsection (2), (3), or (4),  
216 any local law passed by a local legislative body shall file the application before 5 p.m. within  
217 seven days after the day on which the local law was passed.

218 (6) Nothing in this section authorizes a local legislative body to impose a tax or other  
219 payment obligation on a subjurisdiction in order to benefit an area outside of the  
220 subjurisdiction.